



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

HENRY, et al.

Serial No.: 10/072,203

Filed: February 6, 2002

Confirmation No.: 3517

Atty. File No.: 42074-00391

For: "Multi-Parameter Monitoring System"

) Group Art Unit: 2856

) Examiner: Charles D. Garber

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON FEBRUARY 10, 2005.

MARSH FISCHMANN & BREYFOGLE, LLP

BY:

BOBBYE SIMON

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In-Situ, Inc., a corporation fully organized under the laws of the State of Wyoming and having a place of business at 221 East Lincoln Avenue, Fort Collins, CO 80524, is the owner of 100 percent interest in and to U.S. Patent Application No. 10/072,203, for "Multi-Parameter Monitoring System", filed February 6, 2002, and hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on U.S. Patent Application No. 10/072,203 which would extend beyond the expiration date of the full statutory term defined in 35 USC §§154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,305,944. The owner hereby agrees that any patent so granted on U.S. Patent

Application No. 10/072,203 shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding on the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on U.S. Patent Application Serial No. 10/072,203 that would extend to the expiration date of the full statutory term as defined in 35 USC §§154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that any such patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(a), has all claims cancelled by reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

A check for the statutory disclaimer fee of \$65.00 as specified under 37 C.F.R. §1.20(d) is enclosed herewith.

The undersigned is an attorney or agent of record.

By:



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Date:

February 10, 2005